

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

WILLIAM DAVID SEAL

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08cv175LG-RHW

**HARRISON COUNTY, MISSISSIPPI, BY AND
THROUGH ITS BOARD OF SUPERVISORS;
HARRISON COUNTY SHERIFF GEORGE PAYNE,
in his official capacity; CORRECTIONS OFFICER
THOMAS PRESTON WILLS, acting under color
of state law, CORRECTIONS OFFICER MORGAN
THOMPSON, acting under color of state law**

DEFENDANTS

**MOTION FOR SUMMARY JUDGMENT AND QUALIFIED IMMUNITY
BY DEFENDANTS THOMAS PRESTON WILLS AND MORGAN THOMPSON**

COME NOW Defendants THOMAS PRESTON WILLS and MORGAN THOMPSON, by and through their undersigned counsel, and submit their Motion for Summary Judgment and Qualified Immunity and would show unto the Court the following, to-wit:

1. The arguments and authorities in support of Defendants' Motion for Summary Judgment and Qualified Immunity are set forth more fully in their accompanying memorandum.

2. In support of the instant motion, Defendants submit the following exhibits:

- i. Exhibit A - Excerpts from Plaintiff Seals' deposition;
- ii. Exhibit B - Exhibit #1 from Plaintiff Seal's deposition;
- iii. Exhibit C - Exhibit #4 from Plaintiff Seal's deposition;
- iv. Exhibit D - Excerpts from deposition of Crystal Gomez;
- v. Exhibit E - Excerpts from deposition of Gibran Werby;

- vi. Exhibit F - Excerpts from deposition of Morgan Thompson;
- vii. Exhibit G - Affidavit of Gibran Werby;
- viii. Exhibit H - Affidavit of Steve Campbell;
- ix. Exhibit I - Affidavit of Kevin Fayard; and
- x. Exhibit J - Affidavit of Ken Katsaris.

WHEREFORE, PREMISES CONSIDERED, Defendants THOMAS PRESTON WILLS and MORGAN THOMPSON respectfully request that their motion for summary judgment and qualified immunity be well taken, and that Plaintiff's claims against them be dismissed with prejudice.

RESPECTFULLY SUBMITTED this 13th day of November, 2009.

THOMAS PRESTON WILLS and
MORGAN THOMPSON, Defendants

BY: /s/ **IAN A. BRENDEL**
JAMES L. DAVIS, III
IAN A. BRENDEL,
Attorneys for Defendants

CERTIFICATE OF SERVICE

I, IAN A. BRENDEL, attorney at law, do hereby certify that the undersigned counsel of record have been notified via ECF:

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THIS the 13th day of November, 2009.

/s/ IAN A. BRENDEL

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